

REMARKS

The Notice of Allowability mailed July 26, 2006 includes an Examiner's Amendment, discussed with the undersigned and Examiner Lev Iwashko in a telephone conversation on June 26, 2006. Specifically, the undersigned authorized Examiner Iwashko to add the language, "wherein the act (a) comprises an act of maintaining the location index on at least one magnetic disk, and the act (b) comprises an act of maintaining the cache in a random access memory," to each of independent claims 1 and 9, and to add the language, "wherein the at least one controller maintains the location index on at least one magnetic disk and maintains a cache in at least one random access memory," to independent claim 17.

However, in addition to adding the authorized language to claim, the Examiner's Amended also added the language, "and responding to the host during any write request by writing an entry into the cache that states that the write has been completed successfully," to each of independent claims 1, 9, and 17. Applicant never discussed this language with Examiner Iwashko and did not authorize the addition of this language into the claims by Examiner's Amendment.

In attempting to contact Examiner Iwashko to discuss why the unauthorized language was added, Applicant learned that Examiner Iwashko no longer worked at the patent office and that the application had been assigned to a new examiner, Examiner Pierre Bataille.

In a telephone conversation with Examiner Bataille on Monday October 9, 2006 (the substance of which is summarized herein), Applicant's representative discussed whether the unauthorized language added by Examiner Iwashko could be removed by Rule 312 Amendment. Examiner Bataille indicated that he was uncomfortable completely removing this limitation without reopening prosecution, but would allow a Rule 312 Amendment of the type made herein to claims 1, 9, and 17.

In a facsimile communication sent to Examiner Bataille on October 19, 2006, Applicant proposed the amendments made herein to claims 1, 9, and 17 and the Examiner, in a voicemail message left the same day, approved these amendments and indicated that they would be entered.

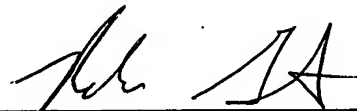
Accordingly, entry of these amendments is respectfully requested. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 23/2825 referencing docket no. E0295.70196US00.

Dated: October 23, 2006

Respectfully submitted,

By:



Richard F. Giunta
Registration No.: 36,149
WOLF, GREENFIELD & SACKS, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
(617) 646-8000